

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICK SAGET, *et al.*,

Plaintiffs,

Docket No. CV-18-1599

- against -

(Kuntz, J.)
(Tiscione, M.J.)

DONALD TRUMP, *et al.*,

Defendants.

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**MOTION FOR A STAY OF THE ENTIRE CASE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The Government hereby moves for a stay of the entire case in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department of Justice lapsed. The same is true for several other Executive agencies. The Department of Justice does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and certain employees of Defendant Department of Homeland Security are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore request a stay of the entire case until Congress has restored appropriations to the Department of Justice.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department of Justice. The Government

requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. The undersigned contacted Plaintiffs' counsel regarding this request. Plaintiffs stated that, "in lieu of motion practice, Plaintiffs propose a joint letter to the Court requesting a telephonic status conference today or tomorrow. This will allow an opportunity for the parties and the court to hash out a plan in light of the shutdown."

Therefore, although we greatly regret any disruption caused to the Court and Plaintiffs, the Government hereby moves for a stay of the entire case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: Brooklyn, New York
December 26, 2018

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